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EXAMINER
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2611	20

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Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-29 and 31*.

    Claim(s) withdrawn from consideration: _____.

8.☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____.

Continuation of 5. does NOT place the application in condition for allowance because: The applicant argues on pages 11-12 of the response that the menu of coupon categories is not equivalent to a preference profile. The examiner respectfully disagrees with this assertion. Since there is a disagreement between the applicant and the examiner as to whether the menu of coupon categories is equivalent to the preference profile, the examiner has decided to read the claims in light of the specification to determine the meaning of the menu of coupon categories. Page 8, lines 2-11 of the applicant's specification states that coupons that COMPORT (corresponds) with the users selections are stored. Furthermore, page 11, lines 3-11 of the applicant's specification recite similar language. According to the applicant's specification, the coupons that correspond to the user's preferences are stored, then the user can further decide whether or not they want the coupons.

Williams discloses the entertainment preferences of network users of a network are observed and recorded by the client for determining a target audience to which coupons are delivered and the users may disclose various preferences as part of registering with the network and the profiles are compiled and generated (column 5, line 63-column 6, line 12). Williams continues by disclosing the preferences that the user sets include sports, activities, television programming, etc. (column 6, lines 13-24), which meets the limitation on configured to selectively respond to actuation by a user and the limitation of enabling a user to selectively manipulate a setup mode prior to the transmission session and the controller responding to the selection of the setup mode by causing a menu including a plurality of different coupon categories to be presented to the user on the display. The examiner takes the read of the selection of the coupon categories is done via the user creating the preference profile; furthermore, Williams discloses the client side filtering is done based on the preference profile (column 6, lines 49-56).

Thus, after reading the claims in light of the specification, the examiner interprets the reference of Williams to meet the claimed limitation and that the menu of coupon categories in the applicant's specification is no different than the preference profile in the Williams reference in that they both use filtering the coupons based on a user's taste such that coupons that CORRESPOND to the user's taste are stored.

The applicant argues on page 12, lines 10-13 of the response that Williams never discloses how the preference profile is completed and is not necessarily generated based on a menu of different categories. The examiner takes a broader read of the claimed invention. The examiner interprets the completion of the preference profile to read on a menu of different categories where the menu is just a user identifying likes and dislikes. Furthermore, the reference of Williams disclsoes configuring a GUI that presents the entertainment system information (column 5, lines 4-20; figure 2), which places the reference of Williams in a computer environment.

The applicant argues on page 12, lines 16-24 of the response that there is no evidence provided in the cited art that such users would understand that by indicating a preference for sports and Scifi that they would have elected to receive coupons related sports and scifi. The examiner respectfully disagrees with this assertion. The eveidence that they elected to receive coupons related to a category would be when the user receives coupons related to their tastes.

The applicant argues on page 12, line 28-page 13, line 12 of the response that the user is free to ignore categories related to his personal preferences and does not necessarily receive coupons in which the user has no personal interest and Williams discloses receiving coupons related to the preference and not outside of the preference. The examiner notes that Williams discloses the users may disclose various preferences as part of some other promotion (column 6, lines 5-9), thus if the user wishes to receive coupon data outside their own preference (i.e. for items for gifts to give other people at parties), the user can modify the preference profile based on a promotion thereby enabling the user to receive coupon data outside their preference, which is the same as the claimed invention.

The applicant argues on page 13, line 13-page 14, line 4 of the response that a plurality of keys cannot be used to meet the limtiation on the mode key since the mode key is used to toggle between the storage mode and the redeem mode. The examiner respectfully disagrees with this assertion. The examiner takes a broader interpretation of the claimed invention. The claim states the plurality of control keys comprises a mode key that enables a user to select (toggle as in claim 26) between a storage mode and a redeem mode. As previously disclosed, Mankovitz discloses the read key that lets the user decide what they want to do with the data (column 3, line 63-column 4, line 7), which meets the limitation on the mode key. Mankovitz discloses the save key being pressed, the coupon data is saved for later redemption (column 5, line 57-column 6, line 5). Mankovitz discloses the shift key or predetermined key strokes may be used to redeem the coupons (column 5, lines 41-55). As just disclosed, Mankovitz discloses a mode key that allows the user to save and redeem the coupon. Mankovitz discloses a coupon is displayed to the user (column 5, lines 26-56). Mankovitz discloses the coupons are called to the display when the user is making purchases (column 8, lines 24-40), which meets the limitation on when in redeem mode, displaying a menu of each of the coupons. Mankovitz discloses if the information is not used within a certain time, the information expires and the memory clears (column 6, lines 6-17). In Mankovitz, if the user uses the key strokes to call the coupon(s) to the display and if the user decides not to use the coupons after calling them to the display, they are not redeemed and are thus toggled back into storage mode. However, if after the user saves the coupon(s) and decides to retrieve them by using the key strokes and use them, the coupons are toggled from storage mode to redeem mode.

The applicant argues on page 14, line 5-page 15, line 4 that because the limitations in the independent claims were not met, theclaims are not obvious for the reasons cited with respect to each of the respective independent claims. Since the examiner has shown the limitaitons have been met according to his interpretation, the examiner believes the claims under section 103 using Williams in view of Mankovitz in further view of Small in further view of Terrill are obvious for the same reasons given in the previous office action.

The applicant argues on page 15, lines 5-23 of the response that the coupon being inserted into the decoder does not meet the limtiation on an integral decoder. The examiner respectfully disagrees with this assertion. The examiner takes a broader read of the claimed invention. Mankovitz discloses the controller can be connected to the electronic coupon via a hard wire 18, 20 or IR emitter (column 3, lines 44-62 and column 6, lines 53-58). Mankovitz discloses the decoder 50 is part of the controller (column 6, lines 30-39). Mankovitz discloses the controller 12 (decoder) can have a moiety connector 18 and receive a second moiety connector 20 of the coupon (column 3, lines 44-62; figure 1a), which meets the limitation on the decoder, display, the at least one control key, the memory, and the processor

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being encompassed in a common housing; thus the common housing is completed when the coupon is inserted into the decoder making it an integral part of the decoder.

The applicant argues on apge 15, line 24-page 16, line 15 that since the limitaitons in each of the independent claims are not met, the limitations in the dependent claims are not met. Since the examiner has shown the limitaitons have been met according to his interpretation, the examiner believes the claims are obvious for the same reasons given in the previous office action.

VIVEK SRIVASTAVA
PRIMARY EXAMINER